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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,318	10/31/2000	Elizabeth T. Whitaker	9028	9787

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EXAMINER

FERNSTROM, KURT

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,318

Applicant(s)

WHITAKER ET AL.

Examiner

Kurt Fernstrom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "sometimes" in claim 3 renders the claim indefinite, as it is unclear whether the ensuing feature described is intended to be part of the claimed invention. Claim 9 appears to have been inadvertently cut off, making it unclear what was intended to be claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert in view of Ziv-El. Siefert discloses in column 8, line 53 to column 9, line 21 of the specification a system and method of delivering lessons to a user over a computer comprising the steps of

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assessing a user's educational standing, based on the number and type of lessons previously completed, and making a lesson available to the user based on the assessment. Siefert fails to disclose that a number of lesson options are presented to the student to allow the student to choose from a list of appropriate lessons. Ziv-El discloses in column 20, lines 20-22 and in column 24, lines 9-11 a system and method of delivering lessons to a user whereby the user can access a list of available lessons based on the educational standing of the user by pressing button 163, and then selecting one of the lessons to work on. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed by Siefert by providing a list of appropriate lessons from which a user may select one for the purpose of allowing the user to have greater autonomy in choosing the lesson to be received. Although icons are not explicitly disclosed by Siefert or Ziv-El, Official Notice is taken that icons are a widely known means of allowing a user to choose from a list of options on a computer. With respect to claim 4, Siefert discloses in column 4, line 65 to column 5, line 7 that the lessons are delivered over a public-access network. With respect to claims 5 and 14, Ziv-El discloses in column 6, lines 5-6 that the network used to transmit information comprises packet switching communication protocol. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed by Siefert by providing a packet switched network for the purpose of facilitating transmittal of information over the network. Both of the networks disclosed by Siefert and Ziv-El inherently comprise a plurality of displays, whereby each display can present different lessons to each user, thus reading on claim 15. With respect to claims 6 and 7, Official Notice is taken that

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it is well known to display “active” and “inactive” icons, where the user can initiate a sequence only by selecting an “active” icon, as for example in computer games where certain advanced scenarios are not available for selection until certain tasks are performed. Displaying icons in this manner would have been obvious to one of ordinary skill in the relevant art for the purpose of allowing the user to view unavailable as well as available lessons, to see what may be available in the future. With respect to claim 8, the disclosure of Siefert in column 9, lines 1-5 that lesson 13 is presented after lessons 1-12 have been completed amounts to a course structure file which indicates whether prerequisite courses are to be taken before presentation of a given lesson. With respect to claims 10-13, Official Notice is taken that it is well known to display additional icons upon achievement of certain tasks, as for example in computer games where certain advanced scenarios are not available for selection until certain tasks are performed. Official Notice is further taken that it is well known in the art to remove options for choosing lessons where the user has already demonstrated mastery of the material. While Siefert and Ziv-El do not explicitly disclose this step, such a step is inherent in a method of providing lessons. With respect to claim 14, Siefert discloses throughout the specification, as for example in column 16, lines 29-35, that the lessons may comprise video clips. The storage means for storing the lessons are disclosed in column 5, line 19 to column 6, line 20 of Siefert.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert in view of Ziv-El, and further in view of Truluck. Siefert as viewed in combination with Ziv-El discloses all of the limitations of claims 16-18 with the exception of the step of refraining from

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making lessons available at certain predetermined times. Truluck discloses in column 4, line 55 to column 5, line 5 a method of presenting lessons over a computer whereby the computer detects certain time periods and refrains from presenting the lessons during those time periods. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed by Siefert as viewed in combination with Ziv-El by providing a step of refraining from making lessons available at certain predetermined times for the purpose of pacing the user properly and constructing a reasonable study plan.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pellegrino, Parry, Papadopolous, Cook, Eisendrath and Daniels disclose various systems and methods for providing lessons over a computer.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303.

KF

August 5, 2002

Kurt Fernstrom
Kurt Fernstrom